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10/780,756

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Jin Yong Kim

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P.O. BOX 8910

RESTON, VA 20195

EXAMINER

JUNG, DAVID YIUK

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/780,756 | <b>Applicant(s)</b><br>KIM ET AL. |  |
|                              | <b>Examiner</b><br>David Y. Jung     | <b>Art Unit</b><br>2134           |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2 and 5-10 is/are rejected.
- 7) ☐ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/5/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-10 are presented.

### ***Discussion - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding claims 1-10, all claims recite "wobbled pre-pit" type. The wobbled pre-pit is a term of the art. The wobbled pre-pit refers to a part of an optical disc, often used for addressing and identifying sectors. That copy protection information would be written into a wobbled pre-pit type is more than perfunctory; the physical accessing process of wobbled pre-pit type is of a different kind from the physical accessing of other types which often have information. Thus, unless Applicant later provides different meanings to the terms of claims 1-10, the subject matter of claims 1-10 seems to meet the statutory requirements.

### **CITED PRIOR ART**

Applicant has cited an Office Action from the China Patent Office. Because there is no suitable translation of the claims, one cannot determine the applicability of that Action from China Patent Office. If claims 1-10 somehow correspond to claims 1-10 of the application that was filed to China Patent Office, then there is still no guidance as the Action from China Patent Office has no discussion of prior art regard to claims 1-10.

***Conditionally Allowable Subject Matter***

Claims 3, 4 are objected to as being dependent upon a rejected base claim, but would be allowable over the current art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The actual allowance would depend upon the results of further searching the art and analyzing by the USPTO.

3. The recording medium as set forth in claim 1, wherein said recording medium is a BD-ROM (Blu-ray Disc-ROM).
4. The recording medium as set forth in claim 3, wherein said specific area is a PIC (Permanent Information & Control data) zone.

At the moment of the writing of this Office Action, the USPTO is researching into BD-ROM-Mark. A version of this product supposedly uses unalterable and unstreamed data for securing BD-ROM. If the date of that version of the product is before the invention of the claimed invention, then claims 3,4 must be rejected. Nevertheless, even after a thorough search, no document has been found that explicitly provides evidence that such a version with the fullness of the aforementioned features was already available before the date of the claimed invention. More research awaits.

## **CLAIM REJECTIONS**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Memorex (White Paper Reference Guide Optical Media, March 24, 2006)

Regarding claim 1, Memorex teaches “A recording medium, comprising:  
a specific area in which copy protection-related information and identification information indicative of recording or non-recording of the copy protection-related information are recorded as a wobbled pre-pit type (page 39, figure 22, showing that DVD-RW uses wobbled groove with land pre-pits for tracking).”

On the matter of the term “recording medium”, one notes that this term can include read-write medium and therefore can encompass a DVD-RW. A user can write information (including copy protection-related information) into the DVD-RW.

These passages of Memorex do not teach “copy protection-related information” in the sense of the claim.

Nevertheless, it was well known in the art to store “copy protection-related information” into a DVD for the motivation of being able to access at a later time.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Memorex for the motivation noted in the previous paragraphs so as to teach the claimed invention.

On the matter of the term “recording medium”,

2. The recording medium as set forth in claim 1, wherein said copy protection- related information and said identification information indicative of the recording of said copy protection-related information are recorded together if said recording medium is of a copy protected mode type, and no copy protection-related information and only said identification information indicative of the non-recording of said copy protection-related information are recorded if said recording medium is of a copy free mode type.

Copy protect software (such as by being part of operating systems such as Windows –e.g., requiring password to access the computer) are often installed into DVD-RW for the motivation of preventing unauthorized persons from using. Usually, unauthorized users are not even permitted to read the DVD-RW.

5. The recording medium as set forth in claim 1, wherein said identification information is recorded while included in said copy protection-related information, or recorded in a head of said copy protection-related information.

Identification information is usually part of a copy-protection for the motivation of identifying whether the attempt to access is from a valid or an invalid source; at the minimum, the source need to be identified.

Claims 6-7, 9-10 are well known copying techniques for the motivation of copying the desired information.

8. The recording medium as set forth in claim 6, wherein said contents specific information are title IDs of contents.

Identification information is usually part of a copy-protection for the motivation of identifying whether the attempt to access is from a valid or an invalid source; at the minimum, the source need to be identified.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

### ***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Art Unit: 2134

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (571) 272-3811.

/David Y Jung/

Acting Examiner of Art Unit 2134

David Jung

David Jung

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Patent Examiner



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